



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-W

JAN 30 2007

CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Andy Schwartz, Chair  
P.O. Box 3594  
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the National  
Park Service, U.S. Department of the Interior  
Grand Teton National Park,  
Teton Science School PWS ID# WY5680099

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. The EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water supply system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the National Park Service, Grand Teton National Park Teton Science School Public Water System, Moose, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.72(b)(2), 141.73, 141.551, 141.74, 141.75(b)(3)(iii), and 141.31(b) for failure to maintain at least 0.2 mg/L residual disinfection concentration for more than 4 hours in the water entering the distribution system; failure to meet the turbidity level in at least 95 percent of the monthly measurements; failure to monitor for turbidity; failure to report noncompliance with residual disinfectant requirements to EPA; and failure to report National Primary Drinking Water violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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CERTIFIED MAIL LETTER  
RETURN RECEIPT REQUESTED

National Park Service  
U.S. Department of the Interior  
Grand Teton National Park  
Attn: Mary Gibson Scott, Superintendent  
P.O. Drawer 170  
Moose, WY 83012

Re: Administrative Order  
Docket No. **SDWA-08-2007-0022**  
Teton Science School Public Water System  
PWS ID #WY5680099

Dear Superintendent Scott:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that the National Park Service is a supplier of water as defined by the SDWA and has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.72(b)(2), 141.73, 141.551, 141.74, 141.75(b)(3)(iii), and 141.31(b) for failure to maintain at least 0.2 mg/L residual disinfection concentration for more than 4 hours in the water entering the distribution system; failure to meet the turbidity level in at least 95 percent of the monthly measurements; failure to monitor for turbidity; failure to report noncompliance with residual disinfectant requirements to EPA; and failure to report National Primary Drinking Water violations to EPA.

If the National Park Service complies with the terms of the Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is



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not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure  
Order

cc:

Rodney Booth, Operator  
Teton Science School PWS  
Grand Teton National Park

Michael Machupa, Utilities Foreman  
Teton Science School PWS  
Grand Teton National Park



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 JAN 30 PM 1:50

IN THE MATTER OF )  
 )  
National Park Service )  
U.S. Department of the Interior )  
 )  
Respondent )

Grand Teton National Park, )  
Teton Science School PWS )  
Moose, Wyoming )  
PWS ID# WY5680099 )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2007-0022**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The National Park Service, United States Department of the Interior ("Respondent") is a Federal Agency and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Grand Teton National Park Teton Science School Water System ("System"), located in Teton County,

Wyoming, for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-transient, non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations ("NPDWRs").
5. According to a May 8, 2003 sanitary survey by an agent for EPA, the System is supplied solely by shallow ground water under the influence of surface water. The System serves a transient population of approximately 25 students and 30 permanent staff per day through 15 service connections, and is open year-round.
7. The System uses alternative filtration technology consisting of three cartridge filter units in sequence, and provides disinfection prior to the water entering the distribution system.



FINDINGS OF VIOLATION

**COUNT I - failure to maintain residual disinfectant at point of entry to the distribution system, in violation of 40 C.F.R. § 141.72(b)(2)**

1. All public water supply systems that filter their water must maintain a residual disinfectant concentration of no less than 0.2 mg/l in the water entering their distribution systems. This residual cannot be less than 0.2 mg/l for more than four hours. (40 C.F.R. § 141.72(b)(2).)
2. On October 16-17, 2005 and April 20, 2006, the System failed to maintain a chlorine residual concentration of at least 0.2 mg/l over a period of at least four hours, in violation of 40 C.F.R. § 141.72(b)(2).

**COUNT II - exceeding turbidity limit**  
**in violation of 40 C.F.R. §§ 141.73 and 141.551**

1. Because the System uses an alternative filtration technology (cartridge filter units in sequence), the System is subject to a filtered water turbidity maximum of 1 Nephelometric Turbidity Unit (NTU) in at least 95% of the measurements taken in any month. (40 C.F.R. §§ 141.73 and 141.551(a).)
2. During the month of April in 2002 and 2006, the System failed to maintain water turbidity levels of 1 NTU or less in at least 95% of the measurements taken that month, in violation of 40 C.F.R. §§ 141.73 and 141.551(a).

**Count III – failure to monitor for turbidity in violation of 40 C.F.R. § 141.74**

1. Public water systems that use a surface water source, or groundwater under the direct influence of surface water, are required to monitor turbidity of representative samples of their filtered water at least every 4 hours. For systems



serving 500 or fewer individuals, EPA may reduce the frequency of the turbidity sampling to once per day. (40 C.F.R. § 141.74)

2. Respondent is currently required to monitor the water for turbidity every 4 hours, and therefore, failed to monitor the System's water for turbidity from July 12–14, 2006, in violation of 40 C.F.R. § 141.74. Consequently, although not applicable, the minimum requirement of monitoring once per day for System's serving 500 or fewer individuals was not met during July 12-14, 2006.

**COUNT IV – failure to report to EPA in violation of 40 C.F.R. § 141.75(b)(3)(iii)**

1. Public water systems are required to report noncompliance with 40 C.F.R. § 141.72(b)(2) to EPA as soon as possible but no later than the end of the next business day, any time the residual disinfectant falls below 0.2 mg/L (for any period of time) in the water entering the distribution system. (40 C.F.R. § 141.75(b)(3)(iii).)
2. Respondent failed to report to EPA by the end of the next business day instances of noncompliance in October 2005, in violation of 40 C.F.R. § 141.75(b)(3)(iii).

**COUNT V – failure to report to EPA in violation of 40 C.F.R. § 141.31(b)**

1. Public water systems must report any failure to comply with any NPDWR to EPA within 48 hours. (40 C.F.R. § 141.31(b).)
2. Respondent failed to report to EPA instances of noncompliance detailed in Counts II (April 2002 violation) and III, in violation of 40 C.F.R. § 141.31(b).





**ORDER**

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT  
IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.72(b)(2), which requires that the residual disinfectant concentration in the water entering the distribution system not be less than 0.2 mg/L for more than 4 hours.
2. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. §§ 141.73 and 141.551 by ensuring that the turbidity level of representative samples of the System's filtered water be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month and at no time exceed 5 NTU.
3. Upon the effective date of this Order, Respondent shall monitor the System's water for turbidity as required by 40 C.F.R. § 141.74. Respondent shall report monitoring results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.75.
4. If Respondent experiences one additional violation of regulations detailed in Paragraphs 1 and 2 of the Order section while this Order is in effect, Respondent shall submit to EPA within 90 days of the violation detailed plans for bringing the System into compliance with 40 C.F.R. §§ 141.72(b)(2), 141.73, and 141.551. The detailed plans shall contain a complete engineering evaluation of the System, which shall include but not be limited to (1) evaluation of the current source and/or feasibility of alternative sources; (2) evaluation of all operating practices which include current filtration and disinfection practices, chemical addition, and



turbidity and residual disinfectant monitoring practices; (3) evaluation of current filtration and disinfection treatment and monitoring equipment; (4) recommendations on all operating practices and system improvements; and (5) a schedule for implementing and completing recommended changes in operating practices and system improvements. The schedule shall include specific milestone dates, a final compliance date that shall be no later than 6 months from any violation of Paragraphs 1 and 2, and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please be advised that the Wyoming Department of Environmental Quality must also approve system modifications or other developmental plans prior to construction.

5. If system improvements are needed under paragraph 4 above, Respondent shall, within 3 months after EPA's plan approval, submit a status report to EPA on the progress made toward bringing the System into compliance with the requirements in 40 C.F.R. §§ 141.72(b)(2), 141.73, and 141.551.
6. The schedule for implementing and completing improvements will be incorporated into this Order upon written approval by EPA.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.75(b)(3)(iii) by reporting to EPA as soon as possible but no later than the end of the next business day, any time the residual disinfectant falls below 0.2 mg/L in the water entering the distribution system.
9. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to EPA within 48 hours.

10. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

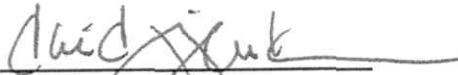
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

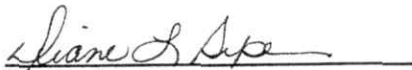


4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 30<sup>th</sup> day of January, 2007.



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

